

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 26, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: West, Miller, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Motion (Miller/West) to approve the agenda as amended. Passed unanimously.

IV. ITEMS FROM THE FLOOR - None.

IX. DISCUSSION AGENDA

1. Report and Discussion of Closed Session Action regarding Active Litigation in the case of Tsurai Ancestral Society vs. City of Trinidad.

City Manager Berman explained that the City of Trinidad and the Tsurai Ancestral Society (Ancestral Society) have reached agreement on the conditions necessary to settle the two Ancestral Society lawsuits against the City over management of the Tsurai Study Area.

The efforts to settle the lawsuits have been confidential, but with both parties having now signed the agreement it becomes public. Under this agreement, the City is committing to make every reasonable effort to return this property to the ownership of the direct lineal descendants of Tsurai Village (Tsurai Ancestral Society) and the Yurok Tribe as co-owners. In addition, the City has committed \$20,000 towards implementation of the Tsurai Management Plan this year, and is agreeing to improve coordination and communication with the Ancestral Society to protect and recognize the significant cultural, religious, and archeological resources in the City. With reasonable progress on these efforts over the coming year, the lawsuits will be permanently settled. The agreement also extends the five-year time frame to resolve the lawsuit by one year.

The Tsurai Ancestral Society brought two lawsuits against the City of Trinidad in 2010 related to the City's management of the Tsurai Study Area. This 12.5 acre property includes Old Home Beach and the hillside above it, and has three public trails crossing it: the Axel Lindgren Memorial Trail, the Parker Creek Trail, and the Wagner Street Trail. The lawsuits were related to incidents where citizens cut major vegetation on the property to enhance their views. The allegations against the City are that they failed to do more as property owner to protect the site, and to implement the 2007 Tsurai Management Plan.

The agreement between the City of Trinidad and the Tsurai Ancestral Society (TAS) does two things: it extends the five year time limit to resolve the case by a year, and it lays out the specific terms and conditions necessary to permanently settle the case. Without the time extension, the City and TAS were headed to a jury trial this fall, with significant legal expenses and unknown outcomes for both sides. With reasonable progress on the terms and conditions over the coming year, we will be able to permanently settle the lawsuits. Management of the Tsurai Study Area is guided by the Tsurai Management Plan (2007) and overseen by the Tsurai Management Team that includes the Tsurai Ancestral Society, the Yurok Tribe, the City of Trinidad, and the California Coastal Conservancy.

Ownership Transfer: The agreement indicates the City's commitment to work in good faith towards the transfer of the property to the Tsurai Ancestral Society and Yurok Tribe as co-owners. In broad terms, City staff sees such a transfer as both appropriate and beneficial to the City. We will be returning the property to the direct descendants of its original inhabitants, and relieving the City of what has been an ongoing liability. The Tsurai Management Team will be the forum to work out the details of this land transfer. The actual transfer of ownership will come back to the Council as its own agenda item with a detailed evaluation that addresses key issues which include insuring the City continues to have a role in management of the property, and protecting existing public access.

Public comment included:

Jim Cuthbertson – Trinidad

Who will maintain the trails in the area? Manager **Berman** explained that the Coastal Commission and Conservancy still holds an easement over the area to protect public access.

Robert Cargill – Trinidad Civic Club Consultant

I've been working with the Civic Club on the trail and staircase issue, and asked the Council to discuss liability concerns with the Tsurai. We are hoping this settlement agreement will help with relations between the Tsurai and the Civic Club. Mother nature is a relentless enemy. We need to work collaboratively to protect the site, trail, and the burial grounds along the hillside. Very happy to hear an agreement between the city and Tsurai has been reached.

Katherine Wayne – Trinidad area resident

What is the City going to do to protect the cultural artifacts? **Berman** explained that 1) fast and efficient notification when issues or artifacts are discovered, and 2) implement the management plan (handrail on the trail, fencing, etc.).

Don Allen – Trinidad area resident

When Axel II was alive, the vegetation in the area was kept trimmed low. Is there a vegetation management component to the plan? **Berman** answered that there was no clear guidance since the plan calls for a vegetation maintenance plan to be developed. The priorities are fencing, water drainage issues, and signage.

Axel Lindgren III – Tsurai Ancestral Society

We would like to see vegetation managed too but water saturation and damage issues should be addressed first. Vegetation keeps bluffs stable. We are also still discussing options with the Yurok Tribe. We have embraced nothing yet. Long way to go.

Richard Johnson – Trinidad area resident

Does the management plan need to be amended or updated? **Berman** explained that the priority is to implement what is already in the plan first, then consider what works or doesn't work. It was adopted in 2007.

Ali Lindgren – Tsurai Ancestral Society

I haven't seen the management plan. We were never connected to the Yurok. We have problems being connected to the Yurok. They are having financial problems that we don't need to be involved in. **Berman** explained that the city is in charge of the \$20,000 budgeted for improvements, but the committee is overseeing the city spending the money. "Co-Ownership" is proposed between the Yurok and Tsurai to ensure the Tsurai has a clear voice.

Council comments included:

Fulkerson: Thrilled we finally reached this agreement. It is very complicated, and has deep history. There is nothing more important than to return this property to Tsurai, and we are finally able to talk about it. This calls for a celebration. We are friends with the Tsurai members. It's been difficult to be in a room with attorneys telling us what we can and can't talk about. We are grateful that Axel III is here to share this moment with us. **Miller** agreed.

West: Thanked City Manager for his efforts, and thanked the Tsurai for their partnership. Grateful to be at this point, but noted there is still a lot of work to do.

Baker: I grew up here in Trinidad and couldn't agree more that this is the right thing to do. I'm ready to get to work with a new sense of trust developed.

Axel Lindgren III: I was born in Trinidad in 1950. Wrongs were being done. This lawsuit helped us identify and address them. It is not fun suing the city you were born in, but is a good feeling to be friends again and get back to work.

XIII. ADJOURNMENT

- Meeting ended at 9:45 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor